

ARIZONA HOUSE OF REPRESENTATIVES
Fifty-second Legislature - First Regular Session

MAJORITY CAUCUS CALENDAR

March 30, 2015

Bill Number	Short Title	Committee	Date	Action
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Committee on Elections

Chairman: Michelle R. Ugenti, LD23

Analyst: Ginna Carico

Vice Chairman: Javan D. "J.D." Mesnard, LD17

Intern: Robert Lewis

SCR 1001 clean elections repeal; education funding

SPONSOR: PIERCE, LD1

SENATE	3/11/2015	(17-12-1-0)
(No: DALESSANDRO,CAJERO BEDFORD,PANCRAZI,BEGAY,MCGUIRE,BRADLEY,CONTRERAS,HOB BS,ABLESER,MIRANDA,QUEZADA,MEZA; NV: FARLEY)		
ELECT	3/16	DPA (4-2-0-0-0)
(No: CLARK,LARKIN)		

Committee on Judiciary

Chairman: Edwin W. Farnsworth, LD12

Analyst: Gina Kash

Vice Chairman: Sonny Borrelli, LD5

Intern: Morganne Barrett

SB 1381 private person arrest; duties

SPONSOR: DIAL, LD18

SENATE	3/3/2015	(28-2-0-0)
(No: CONTRERAS,QUEZADA)		
JUD	3/18	DP (6-0-0-0-0)

SB 1425 sexual assault victim advocate; privilege

SPONSOR: HOBBS, LD24

SENATE	3/11/2015	(29-0-1-0)
(NV: FARLEY)		
JUD	3/18	DP (6-0-0-0-0)

Committee on Transportation and Infrastructure

Chairman: Rick Gray, LD21

Analyst: Justin Riches

Vice Chairman: David W. Stevens, LD14

Intern: Samantha Oswitch

SB 1274 ADOT omnibus

SPONSOR: WORSLEY, LD25

SENATE	2/24/2015	(30-0-0-0)
TI	3/17	DPA (9-0-0-0-0)
APPROP	3/26	DPA (9-5-0-0-0)
(No: SHERWOOD,MEYER,ALSTON,CARDENAS,MACH)		

Committee on Ways and Means

Chairman: Darin Mitchell, LD13

Analyst: Ryan Sullivan

Vice Chairman: Anthony Kern, LD20

Intern: Matthew VanBenschoton

SB 1103 charitable tax credit; foster children

SPONSOR: BRADLEY, LD10

SENATE
(NV: FARLEY)

3/11/2015

(29-0-1-0)

WM
(Abs: UGENTI)

3/16

DP

(8-0-0-1-0)



HOUSE OF REPRESENTATIVES

SCR 1001

clean elections repeal; education funding

Sponsors: Senator Pierce; Representative Mesnard; Senator Biggs

DPA Committee on Elections

X Caucus and COW

House Engrossed

OVERVIEW

SCR 1001 sends the proposition to the ballot in 2016 to repeal the Citizens Clean Elections Act (Act) and annually transfer the monies from the Citizens Clean Elections Fund (Fund) to the Arizona Department of Education (ADE) for maintenance and operation (M&O) purposes.

HISTORY

Voters passed the Act in November 1998. The Act established a campaign financing system to provide public funding to qualified candidates running for legislative and statewide offices and created the Citizen's Clean Election Commission (CCEC) to enforce the Act's provisions. To be certified as a clean elections candidate, individuals must obtain a predetermined number of \$5 qualifying contributions from constituents. Once qualified, clean elections candidates must follow strict contribution and spending limits, as well as reporting requirements, and participate in required debates. During the 2014 general election, 46 candidates ran as clean elections candidates. These candidates received approximately \$1.9 million from the CCEC to conduct their campaigns.

The Fund monies come from a 10% surcharge imposed on all civil penalties and criminal fines, civil penalties paid by candidates, and \$5 qualifying contributions collected by clean elections candidates. According to the Joint Legislative Budget Committee, the estimated year-end balance of the Fund for Fiscal Year (FY) 2015 is \$22,160,700. In FY14, the Fund generated \$8,592,500 in revenue from court assessments.

PROVISIONS

1. Repeals the Act, except that:
 - a. The Fund is maintained and the 10% surcharge on certain civil and criminal fines and penalties are still to be deposited into the Fund; and
 - b. The Auditor General must review the monies in the Fund at least every four years.
2. Directs the State Treasurer to transfer monies from the Fund annually to ADE for an equitable per pupil distribution to school districts and charter schools for M&O purposes.
3. Renames the article heading of Title 16, Chapter 6, Article 2 from the *Citizens Clean Elections Act* to the *Citizens Clean Elections Fund*.
4. Requires the Secretary of State to submit this proposition to the voters in 2016.
5. Makes technical and conforming changes.

AMENDMENTS

Committee on Elections

1. Directs the State Treasurer to transfer monies from the Fund annually to the State General Fund instead of to ADE.



HOUSE OF REPRESENTATIVES

SB 1381

private person arrest; duties

Sponsor: Senator Dial

DP Committee on Judiciary

X Caucus and COW

House Engrossed

OVERVIEW

SB 1381 requires a private person who has made an arrest to contact a peace officer, who must then take the person arrested before the nearest or most accessible magistrate in the county wherein the arrest was made.

HISTORY

Arizona Revised Statutes § 13-3900 outlines the law relating to the duties of a private person after making arrest. Current statute requires a private person who has made an arrest to, without necessary delay, take the person arrested before the nearest or most accessible magistrate in the county in which the arrest was made, or deliver him to a peace officer, who shall, without unnecessary delay, take him before such magistrate. The private person or officer taking the person arrested before the magistrate shall make a complaint before the magistrate, setting forth the facts showing the offense for which the person was arrested. If, however, the officer cannot make the complaint, the private person who delivered the person arrested to the officer shall accompany the officer before the magistrate and make the complaint to the magistrate against the person arrested.

PROVISIONS

1. Requires a private person who has made an arrest to contact a peace officer, who must then take the person arrested before the nearest or most accessible magistrate in the county wherein the arrest was made.
2. Makes technical changes.



HOUSE OF REPRESENTATIVES

SB 1425

sexual assault victim advocate; privilege

Sponsors: Senators Hobbs, Miranda, Shooter

DP Committee on Judiciary

X Caucus and COW

House Engrossed

OVERVIEW

SB 1425 outlines language that establishes a sexual assault victim advocate in a case involving a civil action.

HISTORY

Arizona Revised Statutes (A.R.S.) Title 12, Chapter 13, Article 4 outlines law regarding privileged communication relating to evidence in court. Currently, statute addresses privileged communication for a husband and wife, clergyman and penitent, attorney and client, doctor and patient, reporter and informant, and for a domestic violence victim advocate. Specifically, a domestic violence victim advocate applies to communication privileges in a civil action case unless (1) the advocate is aware that the victim will give or has given perjurious statements that would disprove the existence of domestic violence; (2) the advocate receives information about the nonaccidental injuries and physical neglect of a minor; or (3) the case is a proceeding for the civil commitment of a sexually violent person.

A.R.S. § 13-3620 states that any person who reasonably believes that a minor is a victim of physical injury, abuse, child abuse, a reportable offense or neglect inflicted on the minor must immediately report to a peace officer or to the Department of Child Safety.

PROVISIONS

1. Exempts a sexual assault victim advocate (advocate) from examination regarding communication made per the victim in a civil case.
2. Ensures that this section does not apply to a civil action case relating to the civil commitment of sexually violent persons reference in A.R.S. Title 13, Chapter 37 (Family Offenses).
3. Provides that communication between the victim and advocate is not privileged if the advocate is aware that the victim will give or has given perjurious statements or statements that disprove the existence of sexual assault, unless the sexual assault program has immunity prescribed by law.
4. Specifies that the advocate-victim privilege does not extend to cases in which the advocate has a responsibility to report nonaccidental injuries and physical neglect of minors pursuant to criminal code regarding family offenses.
5. Allows a party to an action to motion for disclosure of privileged information and requires the court to hold a recorded hearing to determine if the privilege should apply.
6. Requires an advocate to accumulate at least 30 hours of training in assisting victims of sexual assault, which must include an explanation of privileged communication and reporting requirements prescribed by statute, to qualify for the privilege.

7. Allows a sexual assault program, service provider or outside agency to conduct privileged communication training and requires training documents to be maintained by the program, provider or agency's records custodian.
8. Mandates that a volunteer advocate perform activities under qualified supervision.
9. Defines *sexual assault victim advocate*.



HOUSE OF REPRESENTATIVES

SB 1274

ADOT omnibus

Sponsors: Senator Worsley; Representative Coleman

DPA Committee on Transportation & Infrastructure
DPA Committee on Appropriations
W/D Committee on Government & Higher Education
X Caucus and COW
House Engrossed

OVERVIEW

SB 1274 makes various changes to statutes relating to Arizona Department of Transportation (ADOT).

HISTORY

An *omnibus* bill packages several measures and changes related to a single subject in one piece of legislation.

ADOT is an Arizona state government agency charged with facilitating mobility within the state. In addition to managing the state's highway system, the agency is also involved with public transportation and municipal airports. ADOT was created in 1974 when the state merged the Arizona Highway Department with the Arizona Department of Aeronautics.

ADOT is made up of five divisions:

1. Aeronautics Division
2. Intermodal Transportation Division
3. Motor Vehicle Division
4. Enforcement and Compliance Division
5. Multimodal Planning Division

ADOT's Motor Vehicle Division (MVD) is responsible for licensing drivers and the registration of motor vehicles. MVD issues a variety of classes of driver licenses including class G, class M, and class D driver licenses. The MVD also issues commercial driver licenses (CDL).

PROVISIONS

1. Allows ADOT to issue a certificate of title without registration if:
 - a. The vehicle is a trailer or semitrailer that will be used in interstate commerce; and
 - b. It is registered in another state.
2. Establishes that a person applying for a certificate of title for a new vehicle has two ways to show the date of sale.
3. Allows alternative documentation approved by the Director of ADOT (Director) which shows the date of sale to the dealer or person first receiving the vehicle from the manufacturer to be used for proof of sale.
4. Allows ADOT to issue a vehicle certificate of title without registration if the vehicle is a trailer or semitrailer that will be used in interstate commerce and that is registered in another state.
5. Requires a financial institution filing a repossession affidavit with ADOT to do so electronically.

6. Changes the amount of time a temporary proportional registration or a temporary registration is valid from 90 to 60 days.
7. Adds that a disqualification for a CDL begins 10 days after ADOT receives a report of conviction or finding of responsibility for a CDL holder.
8. Transfers administrative duties and support responsibilities for the Citizen's Transportation Oversight Committee from ADOT to a regional planning agency.
9. Defines regional planning agency as the regional planning agency that has oversight responsibilities of regional transportation in a county with a population of 1,200,000 or more persons and that has levied a transportation excise tax.
10. Permits ADOT to establish a program to lease or sell advertising on non-highway assets and allow monetary sponsorship of facilities and other assets of the department.
11. Allows ADOT to:
 - a. Operate, modify or terminate any advertising and sponsorship program.
 - b. Generate revenue from any advertising or sponsorship program.
 - c. Contract with a third party to perform any or all aspects of the advertising and sponsorship program authorized pursuant to this section.
 - d. The department on its own or through a third party may negotiate and execute leases for variable terms, set lease rates, establish lease terms and prescribe forms for leases.
12. Specifies that if the department contracts with a third party, the third party shall agree in the contract to:
 - a. The contractor's duties, including:
 - i. Furnishing, installing, maintaining and replacing the advertising and sponsorship space or media on the authorized assets and facilities of the department;
 - ii. Promoting and negotiating the leasing of advertising and sponsorship space or media on the authorized assets and facilities of the department;
 - b. Compensation.
13. Specifies costs incurred under the program established pursuant to this section shall be paid under agreements negotiated between the department or the third party and the advertisers or sponsors.
14. Allows the department to enter into a revenue sharing agreement with the third party.
15. Requires ADOT to deposit revenues generated from the advertising and sponsorship program, minus program operating costs, in the state highway fund.
16. The program established in this section ends on July 1, 2025 pursuant to current statute.
17. Clarifies that ADOT is exempt from state procurement code and subject to Title 28 procurement and federal law for all items of construction, reconstruction, rehabilitation, preservation, engineering services, right-of-way services or improvement undertaken on highway infrastructure.
18. Allows the MVD to accept either a paper or electronic certificate of title on new vehicles that are sold to vehicle dealers.
19. Allows the Director to establish alternative methods and utilize contracted private entities or persons for the administration and oversight of programs, functions or persons as allowed by statute.
20. Allows the Director to adopt rules for the administration of the alternative methods.
21. Specifies the documents that may be accepted from dealers.
22. Modifies when a vehicle dealer may offer a vehicle in their possession for sale.
23. Defines various terms.
24. Makes technical and conforming changes.

AMENDMENTS

Transportation & Infrastructure

1. Requires ADOT to develop a procedure for a ten-year motorcycle registration period.
2. Specifies that this requirement does not become effective unless ADOT upgrades its information technology system, on or before January 1, 2020, in a way that is sufficient to allow for a ten-year motorcycle registration period.
3. Requires the Director to notify in writing to the Arizona Legislative Council of the date on which the condition is met or if the condition is not met.

Appropriations

1. Modifies the maximum speed limit at which a person may drive on a highway from fifty-five miles per hour to the maximum speed limit of the street or highway.
2. Redefines an offense that is designated as a waste of a finite resource.
3. Establishes that an offense of eleven miles per hour or more over the maximum speed limit is designated as a civil traffic violation and the person is subject to a civil penalty of not more than \$250.
4. Provides that this section does not apply to:
 - a. A school crossing,
 - b. A state highway work zone,
 - c. A speed zone, and
 - d. A business or residential district.
5. Requires ADOT to issue a federally recognized driver license or identification license that allows the applicant to board a federally regulated commercial aircraft or to access restricted areas in federal facilities, nuclear power plants or military facilities if the applicant requests the license.
6. Specifies that the price of a federally recognized driver license or identification license is to be determined by the Director.
7. Specifies that a license issued by this section:
 - a. Can only be valid for a period of eight years,
 - b. May not contain radio frequency identification technology, and
 - c. ADOT must adopt rules to implement the license.
8. Exempts ADOT from rulemaking requirements for one year after the effective date of this section.
9. Requires ADOT to provide a public notice and an opportunity for public comment on the proposed rules at least 30 days before a rule is adopted or amended.
10. Specifies that this section becomes effective only if by January 1, 2021 this state requests the federal government to grant the state a waiver from complying with the requirements of the Real ID Act of 2005 and the federal government does not grant the waiver.
11. States that this section does not become effective if by January 1, 2021:
 - a. This state does not request the waiver,
 - b. This state requests the waiver and received the waiver from the federal government.
12. Requires ADOT to notify the director of the Arizona Legislative Council in writing within three business days of the waiver is requested and granted or denied.
13. Species that ADOT may reduce the minimum down payment from 20 percent for the purchase of ADOT land if the property has been listed for sale for at least one year and meets the following criteria:
 - a. For a property that has an appraised value of not more than one hundred thousand dollars, the down payment may be at least ten percent down;

- b. For a property that has an appraised value of more than one hundred thousand dollars but not more than two hundred fifty thousand dollars, the down payment may be at least fifteen percent down;
- c. For a property that has an appraised value of more than two hundred fifty thousand dollars, the down payment may be at least twenty percent down.

14. Makes technical and conforming changes.



HOUSE OF REPRESENTATIVES

SB 1103

charitable tax credit; foster children

Sponsors: Senators Bradley, Begay; Barto, et al.

DP Committee on Ways and Means

X Caucus and COW

House Engrossed

OVERVIEW

SB 1103 expands the tax credit for contribution to qualifying charitable organizations to include a qualifying foster care charitable organization.

HISTORY

Arizona Revised Statutes (A.R.S.) § 43-1088 outlines requirements for an organization to be considered a qualified foster care charitable organization. A qualified foster care charitable organization must annually provide services to at least two hundred Arizona foster children and spend at least 50% of its budget on services for Arizona foster children.

Taxpayers who make voluntary donations to a qualifying foster care charitable organization are eligible for a tax credit. A single individual or head of household may not claim a tax credit exceeding \$400 in any Taxable Year (TY). Married couples filing joint returns may not claim a tax credit exceeding \$800 in any TY.

A.R.S. § 8-521.01 allows the Department of Child Safety (DCS) to establish a transitional independent living program for a person who is under 21 years of age and was the subject of a dependency petition, adjudicated dependent or placed voluntarily. DCS is required to provide care and services that complement the person's own efforts to achieve self-sufficiency and to accept personal responsibility for preparing and making the transition to adulthood. The care and services provided must be based on an individualized written agreement between DCS and the person.

PROVISIONS

1. Expands the qualifying foster care charitable tax credit to include:
 - a. Donations made to a qualifying organization that provides services to a transition independent living program.
2. Makes technical corrections.